

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 11098 of 2018**

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1. Bharat Lal Mandal, Son of late Ramakant Mandal Resident of Village and Post Office Ghat Chikani, Police Station Kursakanta, District-Araria.
2. Shambhu Nath Malakar Son of Dharma Nand Malakar Resident of village Kaparphora, Post Office Mehadipur, Police Station- Kursakanta District-Araria.
3. Ashok Kumar Biswas Son of Shugan Lal Biswas Resident of Village-Bharatipur, Post Office Kursakant, Police Station Kursakanta, District-Araria.
4. Subod Kumar Das Son of late Dwarika Nath Das Resident of Village Simmuwa, Post Office Kursakanta, Police Station- Kursakanta District-Araria.
5. Umesh Chandra Gupt Son of late Kameshar Prasad Gupt Resident of Village and Post Office Kursakanta, Police Station Kursakanta, District- Araria.
6. Rajdeo Prasad Singh Son of late Uchit Lal Singh Resident of Village Gosnagar, Post Office Pohunsi, Police Station Kursakanta, District Araria.
7. Bhola Prasad Mandal Son of Rameshwar Mandal Resident of Village and Post Office Bararaha, Police Station Sonamani Godam, District- Araria.
8. Vijay Kumar Bhartee Son of Anandi Prasad Gupta Resident of Village-Tegachhia, Post Office Pategana, Police Station Tarabari, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.

... .. Respondent/s

***WITH***

**Civil Writ Jurisdiction Case No 18224 of 2018**

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1. Sheoshankar Rajbhar, son of Late Rameshwar Rajbhar, resident of Village-Barasi Tedhikat, Post Office Shatchikani, Police Station Kursakanta, District Araria.
2. Arun Kumar Mandal, son of Uttim Lal Mandal, resident of Village- Bhag Kohila, Ward No. 3, Police Station- Forbesganj, District- Araria.

... .. Petitioner/s

***Versus***

1. The State Of Bihar through the Principal Secretary, Department of Health



and Family Welfare, Government of Bihar, Patna

2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Director-in- Chief, Health Services, Government of Bihar, Patna.

... .. Respondent/s

***WITH***

**Civil Writ Jurisdiction Case No 20969 of 2018**

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Anil Kumar Mahto Son of Late Shanker Mahto, resident of Village and Post Office Bardela Police Station Dhamdaha, District- Purnia.

... .. Petitioner/s

***Versus***

1. The State Of Bihar through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna
2. The Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

(In Civil Writ Jurisdiction Case No 11098 of 2018)

For the Petitioner/s : Mr Ramesh Kumar Singh, Advocate

For the Respondent/s : Mr Nagendra Kumar, AC to AAG IX

(In Civil Writ Jurisdiction Case No 18224 of 2018)

For the Petitioner/s : Mr Ramesh Kumar Singh, Advocate

For the Respondent/s : Mr Prem Ranjan Kumar, AC to AAG IX

(In Civil Writ Jurisdiction Case No 20969 of 2018)

For the Petitioner/s : Mr Ramesh Kumar Singh, Advocate

For the Respondent/s : Mr Braj Bhushan Mishra, AC to AAG IX

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**4      18-07-2022**                      Heard learned counsel for the petitioners and the respondents.

The petitioners worked on a voluntary basis as Jan Swasthya Rachak under a centrally sponsored scheme, namely Village Health Guide Scheme (for brevity, the *Scheme*). It is the



petitioners' case that they have been paid only Rs 50/- per month and that they have not been considered for absorption/regularization in spite of the work that they had undertaken under the Scheme for a long time.

Learned State Counsel has referred to the counter affidavit. It is submitted that the centrally sponsored scheme was closed with effect from 01.04.2002 under Communication dated 05.03.2002 issued by the Ministry of Health and Family Welfare, Government of India (Annexure A). The authorities, in the Department, thereafter have stopped taking work from such Jan Swasthya Rachaks, since the Scheme was no longer in existence.

Petitioners' counsel, however, submits that in respect of others similarly situated, writ petition was filed before this Court bearing *CWJC No 2169 of 2001* with a prayer that the petitioners be paid their minimum wages or their services be regularized. The present petitioners' claim of such parity with the writ petitioners of *CWJC No 2169 of 2001* is not tenable. The writ petition, relied upon by the present petitioners, was filed in the year, 2001, i e, before closure of the centrally sponsored scheme. However, this Court would take notice of the fact that as late as in April 2006, this Court has disposed of



the writ petition with an observation which reads as under:

*“In view of the nature of engagement, the petitioners, if so advised, may move the State Government by way of representations for minimum wages or take over their services on regular basis which may be considered and disposed of by the State Government in accordance with law, preferably within a period of six months from the date of filing of the representations.”*

In so far as the petitioners' claim for minimum wages is concerned, this Court would observe that the services, they have rendered, were voluntary in nature and, therefore, claim of minimum wages is clearly unsustainable.

In so far as claim for regularization/absorption in the Government set up recognizing their past services on voluntary basis is concerned, this Court would observe that petitioners' claim is based on order passed in CWJC No 2169 of 2001. In that case, this Court had allowed the petitioners to move the State Government by representation. It is not the case of the present petitioners that State Government has granted any relief to those petitioners.

This Court is, thus, not inclined to pass any positive order in favour of the petitioners, since the petitioners have not made out any case based on any right to claim regularization based on voluntary work discharged under a Scheme uptill the



year 2002, by filing this writ petition in the year, 2018.

This writ petition stands disposed of.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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